

DO NOT ENTER: /B.F./

MTC 6634.1
40-21(3584)US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Michael Seitz et al.

Art Unit 1611

Serial No. 10/728,654

Filed December 5, 2003

Confirmation No. 8454

For MICROCAPSULES WITH AMINE ADJUSTED RELEASE RATES

Examiner Barbara S. Frazier

DECLARATION OF RONALD J. BRINKER UNDER 35 C.F.R. §1.132

I, Ronald J. Brinker, declare and state as follows:

(1) I am a joint inventor on the present patent application, U.S. Application Ser. No. 10/728,654.

(2) I make this Declaration based upon personal knowledge of the facts surrounding the inventorship of the subject matter of the present claims of U.S. Application Ser. No. 10/728,654; the subject matter of U.S. App. Ser. No. 10/115,765, which published as U.S. Pub. No. 2003/0022791 and issued as U.S. 6,992,047 to Jawed Asrar and Yiwei Ding (herein, "Asrar et al."); and the subject matter of International Application No. PCT/US02/10551, which published as WO 2002/082901 ("Asrar '901").

(3) I have reviewed the pending claims of U.S. Application Ser. No. 10/728,654, the Final Office Action dated August 27, 2009, the Advisory Action dated November 6, 2009, and the subject matter relied on by the Office in rejecting the currently pending claims as obvious over U.S. 5,925,595 issued to Seitz et al. in combination with Asrar '901. The subject matter of Asrar '901 relied on by the Office in rejecting the pending claims is based on the work of myself, Michael Seitz,